engineering organizations. Together, the Wholesale Markets and Engineering teams will ensure the streamlining of the collocation process in order to meet the customers' requested due dates. In addition, a Collocation Core Team, which consists of representatives from many BA-NY organizations (including product management, process reengineering, methods, systems, regulatory, and the implementation teams discussed above) meets regularly to review the progress of open issues and resolve problems. These teams support both physical and virtual collocation.

19. Nevertheless, there are limits on BA-NY's capacity to provide physical and virtual collocation arrangements on demand. One constraining factor for both BA-NY and the collocators is the availability of technically-proficient, qualified third-party vendors. BA-NY, for example, contracts with equipment vendors for cage material, power equipment, cable, cable racks, etc. BA-NY also contracts with service vendors for cage construction, power engineering and installation, cable and racking installation, and network transmission equipment engineering and installation. To allow the collocator more control over its intervals, BA-NY will allow the collocator to contract directly with BA-NY - approved vendors to perform engineering and installation of transmission equipment. Similarly, collocators contract with equipment vendors for network transmission equipment, cable, etc., and with service vendors to engineer and install network transmission equipment. There are only a limited number of equipment and service vendors that are qualified for these functions and these resources are being stretched by BA-NY and the collocators due to the significant increase in competitive activity in the New York region. For example, at the present time, there are only two vendors that are qualified and willing to perform central office power engineering and installation. While BA-NY is working to identify

alternative vendors where possible (for example, BA-NY is currently evaluating responses to a Request for Proposal for cage material suppliers and installation), the availability of qualified outside vendors remains a problem that cannot be readily solved by BA-NY alone. Over time, however, I would expect that additional resources would be developed if, in fact, there is a measureable and consistent increase in demand.

20. Over the last year, BA-NY gained an enormous amount of experience in handling collocation requests and constructing collocation cages. In one month, we turned up a peak load of 15 cages. Based on this experience, the significant improvements that we subsequently made to our internal processes, and the augmentation of our work force dedicated to collocation, on a going forward basis with existing resources, BA-NY expects that it will be able to provide approximately 15 to 20 physical and/or virtual collocation arrangements per month across New York State. BA-NY will add resources, as required, to meet the forecasted increase in demand. In order to smooth BA-NY's workload, as well as those of the collocators and outside vendors, if more than 3 applications are submitted on a given day by a single CLEC, or if a CLEC submits more than 8 requests in a single month are for a particular geographic area (the Company's five geographic areas in New York State are Manhattan, other New York City boroughs, Long Island, Midstate and Upstate), the due dates for completion of the requested collocation arrangements will have to be negotiated and staggered. Similarly, if BA-NY receives more than 15 to 20 requests for collocation cage turn up in a given month, each collocator will have to prioritize its due dates. BA-NY will attempt to complete some offices in less than the standard interval but the collocator may have to agree to extended intervals for some offices when submitting volume orders. Staggering the due dates should not present a problem for collocators since BA-NY's

experience to date has shown that collocators do not have the resources to accept multiple cages on a single day.

21. In some instances, BA-NY may be able to accommodate greater demand. For example, if multiple carriers select the same central office, it is often more efficient to undertake all jobs at the same time, particularly if the collocation area is new and requires renovation. To advance this goal, BA-NY will solicit the participation of a number of collocators that have expressed interest in sites like this. This should enable BA-NY to increase its capacity beyond 15 to 20 collocation arrangements per month.

22. In the event 1998 demand exceeds BA-NY's current capacity for providing physical/virtual collocation arrangements, BA-NY will supplement its work force and attempt to add more qualified equipment and service vendors. However, because this cannot be quickly accomplished, it is critical that collocators provide BA-NY with timely forecasts of their demand. Alternatively, collocators can make their own arrangements with BA-NY-approved engineering and installation vendors. This will give them greater control over scheduling and may allow for the provisioning of more than 20 collocation arrangements in a given month. Furthermore, if the collocators control the all outside vendor activities, they can seek to better the standard interval.

23. This concludes my Affidavit.

# ATTACHMENT 19

**BEFORE THE ALABAMA PUBLIC SERVICE COMMISSION**

| | | |
|---|---|---|
| **IN RE:** | ) | |
| | ) | |
| **Petition for Approval of a Statement** | ) | |
| **Of Generally Available Terms and Conditions** | ) | |
| **Pursuant to Section 252(f) of the** | ) | |
| **Telecommunications Act of 1996 and Notification** | ) | **Docket No. 25835** |
| **Of Intention to File a Petition for In-Region** | ) | |
| **InterLATA Authority with the FCC Pursuant to** | ) | |
| **Section 271 Of the Telecommunications Act** | ) | |
| **of 1996** | ) | |

---

**Post- Hearing Brief of ITC^DeltaCom Communications, Inc.**

---

ITC^DeltaCom Communications, Inc., ("ITC^DeltaCom"), by counsel, hereby submits its Post-Hearing Brief to the Alabama Public Service Commission ("Commission"), pursuant to the hearings conducted on March 10th, 1998, through March 12th, 1998, in Docket 25835.

## Introduction

By order dated February 13, 1998, the Commission instituted a further hearing to investigate (1) whether BellSouth Telecommunications, Inc.'s, ("BST's") Statement of Generally Available Terms ("SGAT") complies with the Telecommunications Act of 1996 (the "Act")[1], and (2) whether BST has complied with Section 271 of the Act. In its order, the Commission specifically focused on

[1] Telecommunications Act of 1996, 47 U.S.C. § 151 *et seq.* ("Act").

## II. BST Has Failed to Provide Physical Collocation to CLECs in a Timely and Non-discriminatory Manner Pursuant to Checklist Item Two (Section 271c(2)(B)(ii))

The Commission requested BST to submit revised evidence that BST has implemented physical collocation agreements and to include actual data reflecting intervals at which those agreements were implemented.

BST has consistently delayed ITC^DeltaCom's efforts to obtain physical collocation. In May of 1997, ITC^DeltaCom attempted to negotiate a collocation agreement, but the BST negotiator was reassigned to other projects which meant that ITC^DeltaCom did not obtain a physical collocation agreement until October. (Moses transcript p.997). Thus, the first few applications in Alabama were seriously delayed. (Id. at 997). In addition, BST has been charging new entrants **outrageous** fees for space preparation and other undisclosed charges for non-listed items. (ITC^DeltaCom exhibit 11).

While the Georgia Public Service Commission, in its order dated December 16, 1997, Docket Number U-7061 page 62,[13] has capped BST to $100.00 per square foot for space preparation, Alabama based CLECs are hit with fees as high as $690.00 per square foot. (ITC^DeltaCom exhibit 11). ITC^DeltaCom does not believe the fees charged in Alabama are justified or cost based. What is worse, these space preparation fees do not include hidden charges related to necessary OSHA requirements. Also, BST has assessed the full cost of power upgrades based on all other projected CLEC collocation applications to ITC^DeltaCom with no option for reimbursement. (Moses transcript p. 870-872). The Commission should cap these fees. If they are not,

competitors will avoid coming to Alabama, denying consumers the benefits of competition.

Mr. Varner testified that BST estimates six to eight months to implement a physical collocation request, and he insinuates that CLECs have complete control of the timing during the customer review process. (Varner transcript p. 87). This is false. BST imposes an expiration date on each physical collocation application of thirty days. If ITC^DeltaCom does not submit a response to BST's proposal within that time frame, the application expires. Indeed, Mr. Milner states that the CLEC has "thirty days to take or reject that offer." (Milner transcript p.603).

BST admits that it does not track the physical collocation intervals and did not produce actual data showing the intervals in Alabama. (Varner transcript p.123; Milner transcript p.595-597). ITC^DeltaCom, however, has tracked the cost and time involved in applying for and implementing a physical collocation arrangement. (ITC^DeltaCom exhibit 11). Noticeably, BST's exhibit 65, which tracks some of the earliest applications submitted by ITC^DeltaCom, does not contest the outrageous BST cost figures. Instead, BST focuses on the time intervals for a few of ITC^DeltaCom's applications. (BST exhibit 65). However, BST's exhibit fails to show the time from the submission of the application to the date of BST's response. (Stacy transcript p. 969, lines 14-17). Mr. Stacy indicates that the response interval is thirty days, but ITC^DeltaCom, on average, finds that BST responds in 64 days. (ITC^DeltaCom exhibit 11). Mr. Milner indicates that he is not aware of any reports that track the time intervals for

[13] GA Physical collocation order (a).

implementing a physical collocation. (Milner transcript p. 605). Yet, BST mysteriously produced exhibit number 65 shortly after Mr. Moses testified.

Mr. Stacy then admits that a BST response that is longer than thirty days is not unusual. (Stacy transcript p. 971, lines10-22). Mr. Stacy also then indicated that BST has the ability to track the physical collocation intervals. (Stacy transcript p.972). While it is unclear why BST cannot provide timely information on all aspects of collocation to the Commission, it is increasingly clear that BST is doing everything it can to slow the entry of competition in Alabama. If BST *is* offering physical collocation in Alabama in a timely manner, then why has BST not provided this information to the Commission as requested?

It is interesting to note that ITC^DeltaCom vigorously complained that physical collocation was not being offered in Alabama at the August, 1997, hearing and since that time, only a few physical collocation arrangements have been implemented – mostly for ITC^DeltaCom. (Testimony of Mr. Steven D. Moses, August, 1997, transcript p.255, lines 20-23; 256, lines 1-11). Per Mr. Milner, only four physical collocations have been implemented in Alabama. (Milner transcript p.590). As can be seen from the exhibit, ITC^DeltaCom has twelve outstanding applications for physical collocation in Alabama as of March 12th, with only two completed. (Moses transcript lines 18-20, p. 873).

ITC^DeltaCom respectfully requests that this Commission find that BST is not in compliance with Section 271, (c)(2)(B)(ii). Further, ITC^DeltaCom submits that BST is **not** offering physical collocation in a timely manner. In addition,

ITC^DeltaCom requests that this Commission review the Georgia Public Service Commission's order capping physical collocation costs and adopt that order to insure that new entrants are not **driven** from the Alabama market due to BST's cost prohibitive actions.

## III. BST Fails to Provide Non-Discriminatory Access to White Page Listing, Access to Databases, and Interim Number Portability

If a CLEC needs to add a customer to directory assistance, the white pages, and the LIDB database, the CLEC has to fax the information to BST. (Moses transcript p. 875-877)

As Mr. Moses testified, ITC^DeltaCom representatives have been instructed by the LCSC to place orders for RCF via fax and not via EDI-PC. The form for ordering RCF has a field that now requires a date, and it is ITC^DeltaCom's understanding, per the LCSC, that the field requires a date that is twelve months or less. Thus, these orders will automatically expire in a year or less, placing ITC^DeltaCom customers in jeopardy. This 12 month restriction is unreasonable and is specifically designed to add confusion to the Number Porting process. It also unnecessarily complicates CLEC business procedures. (Moses transcript p.877-880; 899-900).

ITC^DeltaCom respectfully requests that the Commission require BST to streamline the ordering process for RCF by requiring BST to implement EDI-PC ordering for RCF and to eliminate the 12 month restriction. ITC^DeltaCom also requests the Commission to require BST to streamline the process for adding CLEC customers to the white page listing, directory assistance and LIDB databases in a simultaneous and efficient manner.

# ATTACHMENT 20

BEFORE THE TENNESSEE REGULATORY AUTHORITY

DOCKET NO. 97-00309

Re: *BellSouth Telecommunications, Inc.'s Entry Into Long Distance (InterLATA) Service in Tennessee Pursuant to Section 271 of the Telecommunications Act of 1996*

DIRECT AND REBUTTAL TESTIMONY OF RUSSELL LAND

ON BEHALF OF NEXTLINK TENNESSEE, L.L.C.

## I. INTRODUCTION

Q. PLEASE STATE YOUR NAME, ADDRESS AND POSITION WITH NEXTLINK TENNESSEE, L.L.C.

A. My name is Russell Land. I am Vice President of Engineering and Operations with NEXTLINK Tennessee, L.L.C. ("NEXTLINK").

Q. PLEASE GIVE A BRIEF DESCRIPTION OF YOUR BACKGROUND AND EXPERIENCE.

A. I am a registered professional engineer with twenty-five years of engineering experience and a degree in electrical engineering from the Georgia Institute of Technology. Before joining NEXTLINK, I was Partner and Vice-President of MCMG, Inc., and a Director of Engineering for the Southeast Region of McCaw Cellular Communications, Inc. and for Continental Cablevision Cellular, Inc.

## III. DISCRIMINATION IN ACCESS TO NETWORK ELEMENTS

Q. YOU HAVE INDICATED THAT, IN ADDITION TO THE PROBLEMS WITH INTERCONNECTION, BELLSOUTH HAS ALSO RESTRICTED NEXTLINK'S ACCESS TO UNBUNDLED NETWORK ELEMENTS. PLEASE DESCRIBE THESE PROBLEMS IN MORE DETAIL.

A. BellSouth has adopted policies that have delayed or prevented NEXTLINK from obtaining access to network elements that NEXTLINK needs in order to compete on equal footing with BellSouth. NEXTLINK has no access to a substantial percentage of the unbundled loops BellSouth now uses to serve customers in Tennessee. Moreover, BellSouth has refused to provide NEXTLINK with nondiscriminatory access to BellSouth's SS7 network and digital cross-connects. BellSouth also refused, until recently, to provide NEXTLINK with access to its CNAM database, restricting the services NEXTLINK could provide to its customers.

### RESTRICTIONS ON ACCESS TO UNBUNDLED LOOPS

Q. WHY ARE UNBUNDLED LOOPS IMPORTANT TO NEXTLINK?

A. As I discussed briefly above, NEXTLINK's networks are expansive, but they do not now reach all customers within the geographic area that they serve. To do this, NEXTLINK would have to replicate the facilities that BellSouth has been constructing for the past 100 years to reach all of these customers. As Congress recognized in passing the Act, this is simply not possible within the foreseeable future. Congress granted competitors access to

existing ILEC networks for the simple reason that the time and expense required to duplicate these networks would prevent competition within any reasonable time frame.

The most difficult and expensive parts of the existing BellSouth network to replicate are the individual loops that connect the customer to the switches located in BellSouth's central offices. Replicating these loops to each customer would require NEXTLINK to extend fiber or copper cable throughout each neighborhood in the state. NEXTLINK is continuing to expand its network, but it will be decades if ever before NEXTLINK has the same connectivity to customers that BellSouth already has.

Access to BellSouth's unbundled loops is the only way that NEXLINK can serve customers who are not located on its network. If BellSouth would cooperate, NEXTLINK has the ability to connect any loop within Tennessee to its switches and could, in this manner, serve any customer within the entire state. BellSouth, however, has placed restrictions on NEXTLINK's access to unbundled loops that limit the number of Tennessee consumers that can choose NEXTLINK as their carrier. This has the effect of limiting competition within the state.

Q. WHAT RESTRICTIONS HAS BELLSOUTH PLACED ON NEXTLINK'S ACCESS TO UNBUNDLED LOOPS?

A. BellSouth has placed two significant restrictions on NEXTLINK's ability to obtain access to unbundled loops to serve NEXTLINK customers. First, BellSouth requires NEXTLINK to be collocated in the central office or at the remote switch that serves a customer before NEXTLINK may have access to the customer's loops. The time and

expense required for collocation, therefore, significantly limit NEXTLINK's access to unbundled loops. In addition, BellSouth will not provide to NEXTLINK any loop that is provisioned using integrated digital loop carrier ("IDLC"). Twenty-nine percent of all loops in use in Tennessee are now provisioned using IDLC. Although BellSouth is in some circumstances able to provide NEXTLINK with alternate facilities, this IDLC restriction also hampers NEXTLINK in its ability to provide service in competition with BellSouth.

Q. WHAT IS THE PRACTICAL EFFECT OF THESE RESTRICTIONS ON NEXTLINK?

A. The practical effect is that NEXTLINK simply cannot compete with BellSouth for most of BellSouth's customers in Tennessee. BellSouth has over 200 central offices and remote switches in this state. The time and expense involved in collocating at each of these locations would be prohibitive even for the largest competitor. Moreover, even if NEXTLINK had the resources to collocate everywhere, collocation is impossible at a number of the remote switches BellSouth operates. BellSouth's position, therefore allows it to significantly limit the scope of the competition BellSouth faces from NEXTLINK and other facilities-based carriers.

Q. YOU HAVE STATED THAT BELLSOUTH'S POSITION ON ACCESS TO UNBUNDLED LOOPS LIMITS NEXTLINK'S ABILITY TO COMPETE. PLEASE PROVIDE AN EXAMPLE OF THESE LIMITATIONS.

A. BellSouth has approximately 100 remote switches in Tennessee and 12% of BellSouth's access lines are provisioned using a remote switching arrangement. Under this

arrangement, the loop connects to a remote switch that has limited switching capacity. BellSouth then transports most calls from the remote switch to a central office switch that hosts the remote. Most calls are then processed by the central office switch rather than the remote switch.

In the past, BellSouth permitted NEXTLINK to have access to loops served by remote switches as an "extended link." So long as NEXTLINK had collocation equipment in the central office hosting the remote switch, BellSouth permitted NEXTLINK to purchase the loop along with transport from the remote switch to the central office. In this manner, NEXTLINK could provide service to all customers provisioned from the remote switch.

In January 1998, BellSouth's policy changed. On January 9, 1998, NEXTLINK attempted to order nine loops for three different customers located in Burton Hills, Tennessee. BellSouth provisions loops for these customers using a remote switching unit tended by the Sharondale central office. NEXTLINK is collocated in the Sharondale central office. Nevertheless, BellSouth refused to provide these unbundled loops to NEXTLINK. BellSouth now contends that NEXTLINK must be collocated at the remote switching unit in order to have access to these loops.

Q. WHY DOES NEXTLINK NOT SIMPLY COLLOCATE AT THE REMOTE SWITCH?

A. There are both technical and practical reasons limiting NEXTLINK's ability to collocate at remote switches. Many remote switches are small, with little if any room for collocation equipment. Some are nothing more than pedestals that have no space for any equipment other than that already being used by BellSouth.

The cost of collocation also limits NEXTLINK's ability to collocate. Collocation equipment alone can cost NEXTLINK in excess of $450,000. On top of the equipment costs, BellSouth has typically charged NEXTLINK more than $50,000 to establish collocation space in the central offices where it now has collocated facilities. BellSouth charges NEXTLINK $3,000 just to make an application for collocation. Monthly recurring collocation charges are also prohibitive.

Remote switching units may serve fewer than 1,000 customers. NEXTLINK simply cannot justify spending $500,000 to gain access to only 1000 potential customers.

Q. YOU HAVE INDICATED THAT OBTAINING PHYSICAL COLLOCATION IN BELLSOUTH'S CENTRAL OFFICES IS TIME-CONSUMING AND EXPENSIVE. PLEASE DESCRIBE NEXTLINK'S EXPERIENCE IN OBTAINING PHYSICAL COLLOCATION ARRANGEMENTS FROM BELLSOUTH.

A. NEXTLINK has more experience than any other CLEC in obtaining physical collocation arrangements with BellSouth. According to Mr. Milner's testimony, BellSouth presently has 14 physical collocation arrangements in place in this state. Thirteen of those arrangements are between BellSouth and NEXTLINK. NEXTLINK's experience in obtaining collocation demonstrates that it is a lengthy and costly process.

In early February, 1997, NEXTLINK filed applications advising BellSouth that it desired to obtain physical collocation space in a number of BellSouth central offices. BellSouth initially stated that there was no such space available. Finally, BellSouth agreed to enter into a collocation agreement with NEXTLINK and executed such an agreement on

February 26, 1997. A copy of the agreement is attached as Exhibit 5. BellSouth then proceeded to prepare the collocation space for occupancy. None of the spaces was ready for installation of NEXTLINK's equipment, however, until mid-June, 1997.

BellSouth dictated the terms under which it was willing to permit NEXTLINK to collocate. These terms were onerous. NEXTLINK first had to submit an application fee of $3000 before BellSouth would consider its request to collocate. BellSouth then determined how much it would charge to prepare the collocation space. This space is little more than a small chain link fence or frame walls separating the space from the rest of the central office. Nevertheless, BellSouth charged NEXTLINK approximately $50,000 to prepare each 100 to 200 square foot space.

The recurring charges for use of that collocation space are also exorbitant. For example, BellSouth charges approximately $90.00 per square foot as rent for the collocation space. First-class office space in most commercial buildings in Tennessee typically costs less than $20.00 per square foot, less than one fourth of BellSouth's charges to NEXTLINK.

Other charges are also far above BellSouth's cost. For example, BellSouth's charge for power usage is based not upon the power actually used by NEXTLINK, but upon the fused capacity of NEXTLINK's equipment. As an illustration of this problem, NEXTLINK's access nodes generate a load of approximately 23 to 24 amperes. The access nodes are fused using five circuit breakers, each rated at 25 amperes. NEXTLINK is required to pay as if the access nodes used the entire 125 amperes for which the circuit

breakers are rated rather than the 23 or 24 amperes. At $5.00 per ampere, this is a significantly inflated cost.

Q. DO YOU HAVE ANY ESTIMATE OF THE COST THAT NEXTLINK WOULD INCUR TO ENTER INTO PHYSICAL COLLOCATION ARRANGEMENTS AT ALL OF BELLSOUTH'S CENTRAL OFFICES AND REMOTE SWITCHES IN THE GREATER NASHVILLE AND MEMPHIS AREAS?

A. Even if it were possible to physically collocate in all of BellSouth's central offices and remote switches within NEXTLINK service area, the cost would be prohibitive. BellSouth has over 200 central offices and remote switches in this state. If NEXTLINK were required to spend at each the $50,000 BellSouth has charged for NEXTLINK's existing collocation arrangements, NEXTLINK would have to pay BellSouth in excess of $10 million just to gain access to all of the customer loops in Tennessee. In addition, NEXTLINK would need to pay its own equipment costs, which would add a minimum of $90 million to the collocation expense. BellSouth will also impose recurring charges each month for use of each space, no matter how few customers were served from the central office or remote switch at issue.

There is no technical reason that NEXTLINK must be collocated at a BellSouth central office in order to gain access to an unbundled loop. Nevertheless, BellSouth's requirement that new entrants be collocated in order to gain access to unbundled loops imposes costs upon new entrants that effectively prevent BellSouth from facing competition over large parts of Tennessee. If BellSouth is permitted to retain this

restriction, most Tennessee consumers will have to wait for years before they will have the alternative of receiving service from a facilities-based carrier other than BellSouth.

Q. IS BELLSOUTH COLLOCATED IN NEXTLINK'S CENTRAL OFFICES?

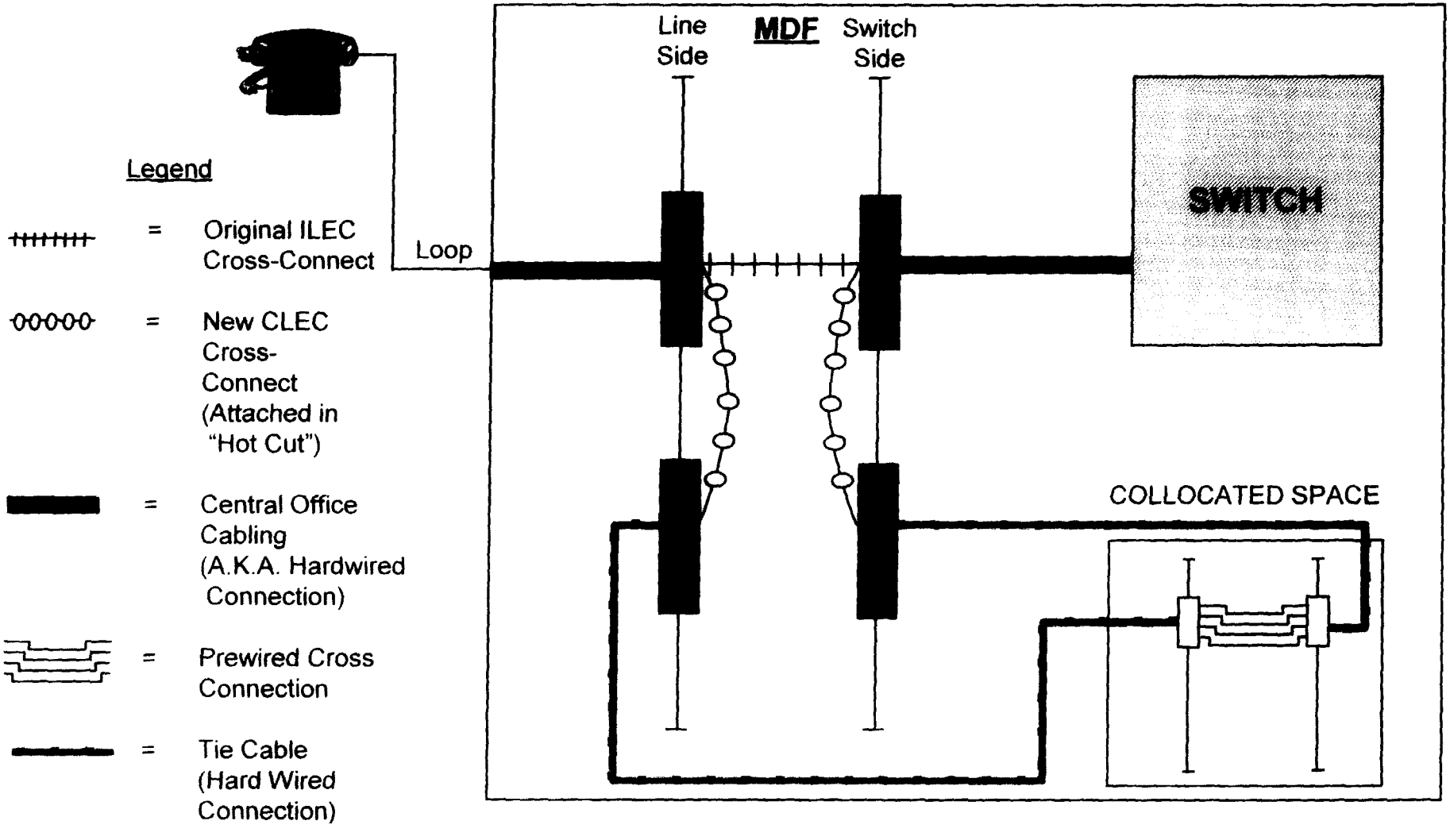
A. BellSouth does not currently have collocated equipment in NEXTLINK's central offices. Instead, BellSouth purchases transport from NEXTLINK to deliver traffic to the NEXTLINK switches. BellSouth has advised NEXTLINK, however, that its regional policy requires NEXTLINK to provide BellSouth with space for collocation equipment in each of NEXTLINK's central offices. Ironically, BellSouth takes the position that it should not have to pay for the space or for entrance facilities into NEXTLINK's facilities.

Q. HAS BELLSOUTH IMPOSED OTHER LIMITATIONS ON NEXTLINK'S ACCESS TO UNBUNDLED LOOPS?

A. Yes, BellSouth has also restricted NEXTLINK's access to loops provisioned over IDLC. Many loops in BellSouth's network are engineered as a single pair of copper wires that terminate on a distribution frame in BellSouth's central office before they are connected to a BellSouth switch. IDLC loops, which BellSouth uses in newer and more dense installations, do not terminate individually on a distribution frame. Instead, each loop is "integrated" directly into the switch as part of the digital equivalent of 24 loops. Because individual IDLC loops do not terminate outside the switch, BellSouth contends that it is not technically feasible to provide NEXTLINK with access to these loops.

# ATTACHMENT 21

# Figure 6
# 2 Cross-connects Needed to Establish a New Customer ("HOT CUT")



# ATTACHMENT 22

NEW YORK STATE PUBLIC SERVICE COMMISSION

---

IN THE MATTER OF

Case 98-C-0690 - Proceeding on Motion of the Commission to Examine Methods by which Competitive Local Exchange Carriers can Obtain and Combine Unbundled Network Elements.

---

MINUTES OF TECHNICAL CONFERENCE held at the Offices of the Commission, Core 4, Swan Street Building, Albany, New York, on Tuesday, the 30th of June, 1998, commencing at 9:35 a.m.

BEFORE: Eleanor Stein,
Administrative Law Judge

APPEARANCES:

For DEPARTMENT OF PUBLIC SERVICE
3 EMPIRE STATE PLAZA
ALBANY, NEW YORK

By: ANDREW KLEIN, Staff Counsel

For WORLD COM, INC.
JACKSON, MISS.
ROLAND, FOGEL, KOBLENZ & CARR
One Columbia Place
Albany, New York 12207
By: KEITH J. ROLAND, Esquire

other work other than this type of work. Mr. Albert testified yesterday, based on some cross-examination from Mr. Haddad that there is a great deal of activity going on on the frame today, and it would have to be additional crews added to the frame to do this kind of work.

From my personal experience, there is truly a law of diminishing returns here. Two crews could work efficiently even in a large central office. I'm not even talking small central offices. I only worked in central offices in Manhattan that were very large, with very large frames.

Two crews can work efficiently; three crews are stuck in each other's way; four crews it is an impossibility, you're truly bumping into each other.

Besides all that additional work, we're talking about the additional cross-connection congestion that's going to be on the frame. In Mr. Joel's affidavit, we saw some frames that were dated but they had wires hanging off it, were real ugly; we're getting into a situation where we're adding unnecessary cross-connections

for our own stuff, we would take that piece out. Let me finish; it is complicated.

That space, SCOPE is not--it's a pay-one-price-type charge versus a vendor recovery--a vendor pass-through for room conditioning, and it is complicated, the process, but, go ahead.

Q Let me just try and simplify it, if I can, and I don't know if this will or not. If you condition a thousand square feet, and 200 square feet are used for SCOPE, you're not going to come to the CLECs then to recover that 200 square feet worth of conditioned--conditioning cost?

A (Maguire) That's correct.

Q Okay.

MR. HIRSCH: I have nothing else.

THE WITNESS: (Maguire) That is what--he said--

JUDGE STEIN: Want to take a second?

THE WITNESS: (Maguire) No, I think the answer was given.

JUDGE STEIN: Are there other CLEC witnesses who would like to speak?

MR. REED: Paul Reed with Sprint. I have all the concerns that have already been given.